

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

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TERRENCE R. YOAST,	:	
Plaintiff,	:	
	:	
v.	:	CIVIL ACTION NO. 19-720
	:	
POTTSTOWN BOROUGH, <i>et al.</i> ,	:	
Defendants.	:	
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ORDER

AND NOW, this 31st day of January 2020, upon consideration of the Motions to Dismiss of Anthony Hoch and PrimeCare Medical [Doc. No. 60], Justin O'Donoghue and Wisler Pearlstine [Doc. No. 61], Montgomery County, Kevin Steele, Timothy Stein, and Ryan VanDorick [Doc. No. 62], Edward and Jeanne Forbes [Doc. No. 63], Donald Cheetham and Legal Aid of Southeastern Pennsylvania [Doc. No. 65], and the Pottstown Defendants [Doc. No. 68], and the responses thereto, it is hereby **ORDERED** as follows:

- 1) Anthony Hoch and PrimeCare Medical's Motion is **GRANTED in part and DENIED in part**. The Motion is **GRANTED** as to the claims against PrimeCare Medical, which are **DISMISSED without prejudice**, and against Hoch in his official capacity, which are **DISMISSED with prejudice**. The Motion is **DENIED** as to the claim of deliberate indifference against Hoch in his individual capacity.
- 2) Montgomery County, Kevin Steele, Timothy Stein, and Ryan VanDorick's Motion is **GRANTED**. The claims against Steele in both his individual and official capacities, and against Stein and VanDorick in their official capacities, are **DISMISSED with prejudice**. The claims as to Stein and VanDorick in their individual capacities, and as to Montgomery County, are **DISMISSED without prejudice**.

- 3) Justin O'Donoghue and Wisler Pearlstine's Motion is **GRANTED**. The federal claims are **DISMISSED with prejudice** and, because the Court declines to exercise supplemental jurisdiction, the state law claims are **DISMISSED without prejudice** to assertion in the appropriate state court.
- 4) Edward and Jeanne Forbes's Motion is **GRANTED** and the claims against them, as well as against Adrian Smith, are **DISMISSED without prejudice** subject to assertion in the appropriate state court.
- 5) Donald Cheetham and Legal Aid of Southeastern Pennsylvania's Motion is **GRANTED**. The federal claims are **DISMISSED with prejudice** and, because the Court declines to exercise supplemental jurisdiction, the state law claims are **DISMISSED without prejudice** subject to assertion in the appropriate state court.
- 6) The Pottstown Defendants' Motion is **GRANTED**. The federal claims that are barred by *Heck*¹ are **DISMISSED without prejudice** to allow Yoast to refile his claims if he ever succeeds in overturning his convictions.² The remaining federal claims against the Pottstown Defendants are **DISMISSED with prejudice**. Because the Court declines to exercise supplemental jurisdiction, the state law claims are **DISMISSED without prejudice** subject to assertion in the appropriate state court.
- 7) The federal claims against Aphrodite Hussain, Manjeet Singh, Catherine Hallinger, and Leon Smith are **DISMISSED with prejudice**. Because the Court declines to exercise supplemental jurisdiction, the state law claims against these Defendants are **DISMISSED without prejudice** subject to assertion in the appropriate state court.

¹ Counts XXIII-XXXVI, XXXVIII-LI, LVIII-LIX.

² See *Curry v. Yachera*, 835 F.3d 373, 379 (3d Cir. 2016).

- 8) Plaintiff is **GRANTED** leave to file a Second Amended Complaint against VanDorick, Stein, Montgomery County, and PrimeCare, and only as to the denial of medical care claims, no later than **February 7, 2020**. Any amendment that brings claims other than those for deliberate indifference to serious medical needs will be stricken.
- 9) If Plaintiff does not file a Second Amended Complaint, Anthony Hoch shall answer the remaining claim, no later than **February 28, 2020**.

It is so **ORDERED**.

BY THE COURT:

/s/ Cynthia M. Rufe

CYNTHIA M. RUFE, J.